

## **Doing Investigative Reporting as a Freelancer – without Going Broke**

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Investigative reporting is hard, time-consuming tedious work, which may seem hard to justify as a freelancer. Here are some lessons I've learned that make it easier to manage.

### **Investigative reporting requires a higher burden of proof**

Investigative reporting, at its core, uncovers something of public interest that subjects want hidden. Investigative Reporters and Editors defines investigative reporting as “reporting, through one’s own initiative and work product, matters of importance to readers, viewers or listeners. In many cases, the subjects of the reporting wish the matters under scrutiny to remain undisclosed.”

Revealing information that people want hidden requires rock-solid evidence, ideally from multiple sources, because you can ruin careers and even lives. The higher stakes require extra skepticism, constant questioning of assumptions, reporting against your biases and pursuing every lead to avoid arriving at false conclusions. It often requires protecting confidential sources (eg, using secure email, texting).

Expect blowback. Develop a thick skin. Be willing to piss people off. Bulletproofing your story will help protect you from blowback from vindictive subjects and help shield you from legal liability (see more on this below). Come up with a fact-checking system that can prove how you know what you’re reporting. Try to anticipate objections or attacks, and address them in the story.

### **Start with a focused question**

Just like a topic is not a story, an investigation shouldn’t be a fishing expedition. Do enough preliminary reporting to ensure it’s worth your time and effort to pursue. An investigative story might start with a tip, lingering questions from other stories, public records or your own curiosity. Flesh out leads by tracking down meeting notes, documents, court records, sources, transcripts—whatever you can find that might illuminate the story you think you have. Is there data that can quantify the problem and move your story from anecdote to trend? Formulate a clear question, a working hypothesis that you can test and guide your reporting.

Examples: Tobacco companies are casting doubt on evidence of vaping’s harms. EPA violated the Civil Rights Act by funding state pesticide programs that allow Latino schoolkids to suffer disparate exposures to pesticides. California is failing to protect its psychiatric hospital staff from unchecked violence.

Figure out what material you need to test your hypothesis and working assumptions (people, data, documents, site visits, potential federal and state records requests). Keep your question in mind as you report to avoid wasting time going down blind allies. If you feel like you’re spinning your wheels, step back and reevaluate your assumptions. Talk to trusted sources for insight. Sometimes a story changes course. Go with the flow—you might happen upon an even better story.

### **Identify a minimum & maximum story**

Staff newspaper reporters have to convince their editors why they should spend weeks or months on an investigative story. To do that, they often promise that if the big investigative piece doesn’t pan out, they’ll have a “minimum” story to fall back on. That’s even more important for freelancers. Come up with at least one minimum story in case you don’t get the documents or sources you think are crucial for the blowout investigation.

Figure out what resources and materials you’ll need for your minimum stories and to nail down your maximum story. Think about what it would take for you to be ready to publish. As you do your reporting, write the nut graph your material supports. Keep writing nuts and supporting paragraphs, until you feel you’ve proven your hypothesis. Remember, sometimes investigative stories raise questions about whether something has failed, rather than proving it. (For example, several patients died at a hospital. If you can’t prove negligence, can you show that safeguards could have been put in place that could have avoided the deaths?)

### **Stay on track (organize, organize)**

It’s easy to get overwhelmed by the sheer volume of material in an investigative story. Come up with a reporting plan and keep a reporting diary, eg, using a spreadsheet or whiteboard to track what you need to do and what you’ve done as you go: track records requests (date of filing, follow up, status, etc.), log documents and data obtained (and source), data analysis steps, interviews, etc. Consider creating a column with annotations for each piece of information.

Create a timeline of events to organize your material. If you're doing data analysis, keep a data diary that includes each step in the analysis so you can replicate it and fact checkers can too. Think carefully up front about how to name and categorize information so you can easily find sources when you're ready to start writing. Write synopses of key ideas with links to your source materials.

Make sure you look for data, sources, anything that might disprove your hypothesis. Use a trusted colleague or source as a sounding board for regular reality checks to keep you on track.

### **Protect yourself**

Freelancers without the legal backing of an outlet can leave themselves open to liability. Think about where you'd like your piece to run and see if you can identify a place that doesn't insist you sign an indemnity clause that holds you responsible for any legal claims. Work with an editor you know who supports your work if you can.

Don't sign an indemnity clause. If the contract includes one, essentially saying the writer is responsible for anything that might injure, defame, libel, etc., the publication, cross it out or add qualifying language such as "to the best of the writer's ability or knowledge." If you come across language that says something like "the writer indemnifies and holds harmless the publisher against any claims arising out of the work or aforesaid warranties," add something like "provided that such liability is finally established by a court of competent jurisdiction and that such judgement has been sustained after all appeals have been exhausted" or some such. If the outlet won't budge, insist on getting a written agreement that the outlet's lawyer will represent you in the event of any legal action. Barring that, decide if it's worth pursuing the story with that outlet. Try to find outlets that shield you from legal liability, such as the Food & Environment Reporting Network.

### **A short list of fellowships that finance and support freelance investigative reporting.**

#### **Food & Environment Reporting Network**

FERN commissions and provides in-depth investigative and explanatory stories as well as editorial, financial and legal support to reporters. Research grants are offered in some cases.

#### **Freelance Investigative Reporters & Editors**

FIRE is a program to help freelance investigative journalists from diverse backgrounds to produce investigations in the public interest. FIRE achieves this mainly by providing direct reporting services for individual investigative freelancers.

#### **Fund for Investigative Journalism**

Grants cover out-of-pocket expenses such as travel, document collection and equipment rental. The Fund also considers requests for small stipends, as part of the budget. The maximum grant is \$10,000.

#### **Global Investigative Journalism Network**

International association of nonprofit organizations supports, promotes and produces investigative journalism, runs trainings, sponsors conferences and provides resources and consulting.

#### **The International Women's Media Foundation Howard G. Buffett Fund for Women Journalists**

Awards grants to help women expose under-reported but critical global issues; undertake ambitious projects that challenge traditional media narratives; develop field-based expertise and strengthen careers; pursue critical skills training and leadership opportunities; launch entrepreneurial news projects or acquire the skill to do so.

#### **Investigative Reporters & Editors/NICAR**

IRE sponsors regulator investigative and data-reporting boot camps through NICAR. IRE also awards grants to freelance journalists, judging projects based on breadth, significance and potential impact, giving priority to those dealing with whistleblowers, business ethics and/or privacy issues.

#### **NYU Reporting Award**

The Reporting Award provides up to \$12,500 for a significant work of journalism, in any medium, on an under-reported subject in the public interest.

#### **The Puffin Foundation/Type Investigations (previously The Investigative Fund)**

The Puffin Foundation supports investigative journalism in the independent media seeking to highlight voices and stories often excluded or marginalized by mainstream outlets. Its aim is to produce and place in-depth investigative stories in a variety of publications and to support independent reporters. Applications are accepted on a rolling basis and evaluated monthly. Proposals assessed according to four main criteria: originality, feasibility, potential for impact, and whether the project embodies the values of independent media.